

# BARNES & THORNBURG



11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313  
(317) 231-7433 Fax

#12  
Ambl C  
S. Buyer  
5/27/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 3738  
Confirmation No.: 3293  
Application No.: 09/767,346  
Invention: **Method of Reconstructing a Joint**  
Applicant: Plouhar, et al.  
Filed: January 23, 2001  
Attorney  
Docket: 26502-67310  
Examiner: Paul Prebilic

### Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on May 19, 2003

Garla L. Twyman  
(Signature)

Garla L. Twyman

(Printed Name)

### AMENDMENT SUBMITTED UNDER 37 C.F.R. § 1.114(c)

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

05/21/2003 HDANTE1 0000099 09767346

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Sir:

In response to the Final Official Action mailed on December 18, 2002 and the Advisory Action mailed on April 2, 2003, Applicants are filing a Request for Continued Examination transmitted herewith, and this Amendment which satisfies the requirement under 37 C.F.R. § 1.114(a) for filing a submission with a Request for Continued Examination. Our check in the amount of \$750.00 under 37 C.F.R. § 1.17(e) for filing the Request for Continued Examination is also transmitted herewith. Applicants request entry of the following claim amendments in lieu of the amendments made in Applicants' response filed on March 18, 2003, and Applicants request consideration of the accompanying remarks.

Applicants hereby petition for a two-month extension of time under 37 C.F.R. § 1.136(a) to file the accompanying Request for Continued Examination, extending the due

date for response to May 18, 2003. Our check in the amount of \$410.00 for a two-month extension of time under 37 C.F.R. §1.17(a) also accompanies this response. Applicants believe that no other fees are required. If additional fees are required, the Assistant Commissioner is hereby authorized to charge the same to the account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our matter 26502-67310.



RCE/3738

PTO/SB/30 (05-03)

Approved for use through 4/30/2003 OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Mail Stop RCE  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/767,346
Filing Date	January 23, 2001
First Named Inventor	Plouhar
Art Unit	3738
Examiner Name	Paul Prebille
Attorney Docket Number	26502-67310

Reg fee A.C.F.  
5/23/03

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- ii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☐ Other

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2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 10-0435
- i. ☐ RCE fee required under 37 CFR 1.17(e) 05/21/2003 MDANTE1 00000099 09767346
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 750.00 OP
- iii. ☒ Other Any additional required fees
- b. ☒ Check in the amount of \$ 750.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed).

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Rebecca Ball	Registration No. (Attorney / Agent)	46,535
Signature	<i>Rebecca Ball</i>	Date	19 May 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Garla L. Twyman	Date	19 May 2003
Signature	<i>Garla L. Twyman</i>		

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.